IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PIL WRIT PETITION NO.46 OF 2006

Kamal Dwarkadas Gadodia : Petitioner

V/s.

Maharashtra State Textile Corporation Ltd.(MSTC) & Ors. : Respondents

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Mr.Yashodhar Chandulal for the petitioner.

Mr.G.V.Bhagwat i/b. M/s.Divekar & Co., for respondent no.1.

Mr.Vishal Phal, Assistant Government Pleader for respondent no.2.

Ms Soma Singh with Mr.S. Sundaresan i/b. M/s.Paras Kuhad & Associates for respondent no.3.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : OCTOBER 11, 2006.

P.C.

1. We heard Mr.Yashodhar Chandulal, the counsel for the petitioner and perused the Writ Petition.

2. In para '9-a' and 'c', the following statements have been made by the petitioner:-

a. One Mr.Munnabhai and Mr.Vakil on behalf of M/s.I.B. Corporation entered into an oral

contract with the present petitioner, thereby sold the old plant and machinery and overhead and underground materials of the Pulgaon Cotton Mills Ltd., Pulgaon, near Nagpur, District-Wardha, Maharashtra at Rs.551,00,000/- (Rupees Five hundred and Fifty One Lakhs) only and have also collected in the name of M/s.I.B. Enterprises Rs.17,00,000/- (Rupees Seventeen Lakhs) only from the petitioner on the false representation that the said amount is a security deposit towards the said contract to be adjusted towards the finalization of accounts at the end of the contract. The said Mr.Munnabhai and Mr.Vakil thereafter never performed their part of the contract.

c. The petitioner, thereafter, filed a criminal complaint now numbered as 11/Misc/2006 before the 29th Court of the Metropolitan Magistrate, Dadar, Mumbai, against the said Mr.Munnabhai and Mr.Vakil narrating therein, in detail the facts and circumstances of the case."

3. Surely, the controversy raised by the petitioner does not fall in the domain of public interest litigation. The counsel for the petitioner admitted that the transaction between the respondent no.1 and the respondent no.3 is commercial.

4. Writ Petition does not deserve to be entertained. We dismiss it accordingly.

R.M. LODHA, J.

S.A. BOBDE, J.